

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #1	CCRB Case #: 201808473	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 10/03/2018 6:00 AM	Location of Incident: [REDACTED]	Precinct: 90	18 Mo. SOL 4/3/2020	EO SOL 11/18/2020	
Date/Time CV Reported Wed, 10/03/2018 7:29 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/12/2018 10:59 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Francesco Allevato	7161	948608	NARCBBN
2. DT3 Andre Blake	4573	939924	NARCBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Michael Muskin	349	943599	NARCBBN
2. DT3 Walter Marin	00570	937024	NARCBBN
3. LT Omar Birchwood	00000	945512	NARCBBN
4. DT3 Kelvin Peralta	1514	940561	NARCBBN
5. DT3 John Slavinsky	02046	939476	NARCBBN
6. POM Ramon Rodriguez	13884	949563	NARCBBN
7. DT3 Paul Ortiz	98	943634	NARCBBN
8. DI Fernando Guimaraes	00000	915848	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Francesco Allevato	Abuse: Detective Francesco Allevato entered § 87(2)(b) in Brooklyn.	[REDACTED]
B.DT3 Francesco Allevato	Abuse: Detective Francesco Allevato searched § 87(2)(b) in Brooklyn.	[REDACTED]
C.DT3 Andre Blake	Force: Detective Andre Blake used physical force against § 87(2)(b)	[REDACTED]

Case Summary

On October 3, 2018, § 87(2)(b) filed this complaint on behalf of herself and her § 87(2)(b) son, § 87(2)(b). The case was received by the CCRB on October 12, 2018 under log #18-39359.

On October 3, 2018 at approximately 6:00AM, Detective Francesco Allevato, of Brooklyn North Narcotics, executed a search warrant at § 87(2)(b)'s apartment, located at § 87(2)(b) in Brooklyn (**Allegations A and B- Abuse of Authority: § 87(2)(g)**). Detective Andre Blake, also of Brooklyn North Narcotics, allegedly kicked § 87(2)(b) (**Allegation C- Force: § 87(2)(g)**), § 87(2)(b) and § 87(2)(b) were arrested § 87(2)(b).

The investigation obtained video footage from the lobby and stairwell of § 87(2)(b), but as there were no cameras inside the apartment or on the fourth floor, the footage was not useful in assessing the allegations (Board Reviews 01, 02).

Findings and Recommendations

Allegation A – Abuse of Authority: Detective Francesco Allevato entered § 87(2)(b) in Brooklyn.

Allegation B – Abuse of Authority: Detective Francesco Allevato searched § 87(2)(b) in Brooklyn.

It is undisputed that Det. Allevato entered and searched § 87(2)(b) in Brooklyn. Officers were executing valid Kings County search warrant § 87(2)(b) this location on the incident date (Board Review 03). The warrant was requested by Det. Allevato and was signed by Judge § 87(2)(b) on § 87(2)(b). § 87(2)(g)

Allegation C- Force: Detective Andre Blake used physical force against § 87(2)(b)

§ 87(2)(b) testified that he was sleeping on a pile of blankets on the floor of his father, § 87(2)(b)'s bedroom prior to the officers entering the house (Board Review 04). When § 87(2)(b) heard the sound of the officers breaking the front door to enter, he woke up and put a blanket over his head so he could not see the officers. § 87(2)(b) then felt someone kick him in the right side of his ribs. § 87(2)(b) took the blanket off of his head and saw Det. Blake standing by him. § 87(2)(b) did not feel any pain at the moment. After determining that § 87(2)(b) was a minor, the officers let him go to a neighbor's apartment. Once at the neighbor's apartment, § 87(2)(b) felt the pain from the kick and requested an ambulance to arrive at the location.

The narrative section in the ACR prepared in regards to § 87(2)(b) states that § 87(2)(b) told the EMTs that he was in bed when cops hit him in the rib (Privileged Documents). § 87(2)(b) complained of pain to his right rib. The EMTs did not find any injuries on his person and transported him to § 87(2)(b). While at § 87(2)(b),

§ 87(2)(b) again stated that he was kicked once in the ribs by the police (Privileged Documents). § 87(2)(b) was diagnosed with a chest wall trauma. § 87(2)(b) declined pain medication. Following § 87(2)(b)'s release from the hospital, § 87(2)(b) took a photo of § 87(2)(b)'s right ribs, which show discoloration and an apparent bruise (Board Review 05).

§ 87(2)(b) stated that approximately five officers came into the room where he and § 87(2)(b) were (Board Review 06). While § 87(2)(b) was being handcuffed, he saw a white male officer and a Hispanic male officer pick § 87(2)(b) up from the floor by his arms. § 87(2)(b) yelled at the officers that § 87(2)(b) was only § 87(2)(b) old. Det. Blake then came in the room and kicked § 87(2)(b) in the ribs while he was standing up. § 87(2)(b) then doubled over and the officers handcuffed him.

Both § 87(2)(b) and § 87(2)(b) described the officer who kicked § 87(2)(b) as a black male officer wearing camouflage pants. In his CCRB interview, Lieutenant Omar Birchwood watched the video footage of the officers in the lobby of the building and identified the sole officer wearing camouflage pants as Det. Blake (Board Review 07). Det. Blake, a black male, acknowledged wearing camouflage pants on the day of the incident (Board Review 08). Therefore, Det. Blake has been identified as the subject officer of this allegation.

Det. Blake stated that he and Detective Paul Ortiz were the first officers to enter § 87(2)(b)'s bedroom. § 87(2)(b) was standing up when the officers entered and Det. Blake immediately handcuffed him. While Det. Blake was handcuffing § 87(2)(b) he heard Det. Ortiz yell out that there was a male on the ground. Other officers, although Det. Blake did not know which ones, came into the room and handcuffed § 87(2)(b). Det. Blake did not see how § 87(2)(b) was handcuffed because he was speaking to § 87(2)(b) at the time. Det. Blake denied kicking § 87(2)(b) and denied having any physical interaction with Demetrius § 87(2)(b). Det. Blake never heard § 87(2)(b) complain of pain and never saw any injuries to his person.

Det. Ortiz's testimony was largely consistent with Det. Blake's statement (Board Review 09). Det. Ortiz did not know which officers handcuffed § 87(2)(b) but he stated that Det. Blake was not involved. Det. Ortiz stated that Det. Blake never kicked § 87(2)(b) to the best of Det. Ortiz's knowledge, every civilian in the execution of this search warrant was cooperative.

§ 87(2)(g)
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Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- This is the first complaint in which § 87(2)(b) [REDACTED] has been a party.
- Detective Francesco Allevato has been a member of service for eight years and has been a subject in nine closed CCRB complaints and 24 allegations, of which five were substantiated.
 - 201309187 involved substantiated allegations of a threat of arrest, property damage, discourtesy, and a refusal to provide name and shield number against Det. Allevato. The Board recommended Charges in regards to the threat of arrest, discourtesy, and property damage allegations; Det. Allevato was found guilty at trial and subsequently forfeited eight vacation days. The Board recommended command discipline in regards to the refusal to provide name and shield allegation and the NYPD has not yet imposed discipline.
 - 201310891 involved a substantiated allegation of a stop against Det. Allevato. The Board recommended Command Discipline B and the NYPD imposed instructions.
 - § 87(2)(b) [REDACTED]
[REDACTED]
 - § 87(2)(b) [REDACTED]
[REDACTED]
 - § 87(2)(g) [REDACTED]
[REDACTED]
- Detective Andre Blake has been a member of service for 13 years and has been a subject in seven CCRB complaints and 20 allegations, of which four were substantiated.
 - 201303528 involved substantiated allegations of a stop, a threat of arrest, a threat to notify ACS, and a search of a person against Det. Blake. The Board recommended Charges and the NYPD imposed Command Discipline A.
 - § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Criminal, and Civil Histories

- This case was unsuitable for mediation.
- On March 21, 2019, a FOIL request was sent to the Comptroller's Office to determine if a notice of claim was filed in regards to this incident (Board Review 10). The results will be added to the case file upon receipt.
- According to the Office of the Court Administration (OCA), neither § 87(2)(b) [REDACTED] nor § 87(2)(b) [REDACTED] have any known criminal convictions in New York (Board Reviews 11, 12).

Squad No.: _____

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:

Signature

Print Title & Name

Date